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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/750,373	12/28/2000	Peter Lind	008USPHRM300	7317

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EXAMINER	
LANDSMAN, ROBERT S	

ART UNIT	PAPER NUMBER
1647	10

DATE MAILED: 05/30/2002

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	09/750,373	LIND ET AL.	
	Examin r	Art Unit	
	Robert Landsman	1647	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 1 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☐ Responsive to communication(s) filed on _____ .

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-89* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☐ Claim(s) _____ is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☒ Claim(s) *1-89* are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

11)☐ The proposed drawing correction filed on _____ is: a)☐ approved b)☐ disapproved by the Examiner.

If approved, corrected drawings are required in reply to this Office action.

12)☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

13)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____ .

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

14)☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).

a) ☐ The translation of the foreign language provisional application has been received.

15)☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

1) ☐ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____ .
4) ☐ Interview Summary (PTO-413) Paper No(s). _____ .
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other:

DETAILED ACTION

1. Election/Restriction

A. Restriction to one of the following inventions is required under 35 U.S.C. 121:

I. Claims 1-33, drawn to an isolated nucleic acid molecule, vector, a host cell, a method for producing a polypeptide, and a composition comprising a nucleic acid molecule, classified in class 435, subclass 69.1.

II. Claims 34-40, drawn to an isolated polypeptide, and a composition comprising a polypeptide, classified in class 530, subclass 350.

III. Claim 41-43, drawn to an antibody and a composition comprising an antibody, classified in class 530, subclass 387.1.

IV. Claim 44, drawn to a method of inducing an immune response in a mammal, classified in class 514, subclass 2.

V. Claims 45-48 and 53-56, drawn to a method of identifying a compound for identifying which binds or modulates nGPCR-x, classified in class 435, subclass 7.1.

VI. Claim 49 and 57, drawn to a compound which binds or modulates nGPCR-x, class and subclass undeterminable.

VII. Claims 50 and 51, drawn to a method of identifying a compound for identifying which binds a nucleic acid molecule, classified in class 435, subclass 6.

VIII. Claim 52, drawn to a compound which binds a nucleic acid molecule, class and subclass undeterminable.

IX. Claims 58-60, drawn to a method of identifying an animal homolog of nGPCR-x, classified in class 435, subclass 6.

X. Claims 61-74, drawn to a method of screening a human to diagnose a disorder, a nGPCR allelic variant, and a kit, classified in class 435, subclass 6.

XI. Claims 75-80, drawn to an isolated polynucleotide comprising a nGPCR-1002 or nGPCR-1007 allelic variant, or which differs from nGPCR-1002 or nGPCR-1007 by at least one amino acid, vectors, and host cells, classified in class 435, subclass 69.1.

XII. Claim 81, drawn to a method of identifying a modulator of biological activity of nGPCR-1002 or nGPCR-1007, classified in class 435, subclass 7.2.

XIII. Claims 82 and 84, 85 in part, drawn to a method of identifying compounds useful for the treatment of a mental disorder, classified in class 435, subclass 7.1.

XIV. Claims 83 and 84, 85 in part, drawn to a method of identifying a modulator of either nGPCR-1002, or nGPCR-1007, and a binding partner, classified in class 435, subclass 7.1.

XV. Claims 86-89, drawn to a method of purifying a G protein from a sample, classified in class 530, subclass 412.

B. The inventions are distinct, each from each other because of the following reasons:

Inventions I, II, III, VI, VIII, XI are independent and distinct, each from each other, because they are products which possess characteristic differences in structure and function and each has an independent utility that is distinct for each invention which cannot be exchanged. The polynucleotides of Inventions I and XI can be used to make a hybridization probe, or can be used in gene therapy as well as to produce the protein of interest. The protein of Invention II can be used for purposes other than to make an antibody of Invention III, such as a probe, or used therapeutically or diagnostically (e.g. in screening). The antibody of Invention III can be used for reasons other than to obtain the protein of Invention II. For example, the antibody may be used in diagnostics (e.g. as a probe in immunoassays, or in immunochromatography), or therapeutically. Compounds of Invention VI which bind and modulate nGPCR-x do not necessarily bind and modulate nucleic acid molecules encoding these proteins. Compounds of Invention VIII which bind and modulate nucleic acid molecules encoding nGPCR-x do not necessarily bind and modulate these proteins.

Invention I is unrelated to Inventions IV, V, XII-XV. Inventions are unrelated if it can be shown that they are not disclosed as capable of use together and they have different modes of operation, different functions, or different effects (MPEP § 806.04, MPEP § 808.01). In the instant case the different inventions are not disclosed as capable of use together.

Inventions I and VII, IX, X are related as product and processes of use. The inventions can be shown to be distinct if either or both of the following can be shown: (1) the process for using the product as claimed can be practiced with another materially different product, or (2) the product as claimed can be used in a materially different process of using that product MPEP § 806.05(h).

Invention II is unrelated to Inventions VII, IX, X. Inventions are unrelated if it can be shown that they are not disclosed as capable of use together and they have different modes of operation, different functions, or different effects (MPEP § 806.04, MPEP § 808.01). In the instant case the different inventions are not disclosed as capable of use together.

Inventions II and IV, V, XII-XV are related as product and processes of use. The inventions can be shown to be distinct if either or both of the following can be shown: (1) the process for using the product as claimed can be practiced with another materially different product, or (2) the product as claimed can be used in a materially different process of using that product MPEP § 806.05(h).

Invention III is unrelated to Inventions IV, V, VII, IX, X, XII-XV. Inventions are unrelated if it can be shown that they are not disclosed as capable of use together and they have different modes of operation, different functions, or different effects (MPEP § 806.04, MPEP § 808.01). In the instant case the different inventions are not disclosed as capable of use together.

Invention IV, V are unrelated to Inventions VI, VIII, XI. Inventions are unrelated if it can be shown that they are not disclosed as capable of use together and they have different modes of operation, different functions, or different effects (MPEP § 806.04, MPEP § 808.01). In the instant case the different inventions are not disclosed as capable of use together.

Invention VI, VIII are unrelated to Inventions IX, X, XII-XV. Inventions are unrelated if it can be shown that they are not disclosed as capable of use together and they have different modes of operation, different functions, or different effects (MPEP § 806.04, MPEP § 808.01). In the instant case the different inventions are not disclosed as capable of use together.

Invention VI is unrelated to Invention VII. Inventions are unrelated if it can be shown that they are not disclosed as capable of use together and they have different modes of operation, different functions, or different effects (MPEP § 806.04, MPEP § 808.01). In the instant case the different inventions are not disclosed as capable of use together.

Invention VII is unrelated to Inventions VIII, XI. Inventions are unrelated if it can be shown that they are not disclosed as capable of use together and they have different modes of operation, different functions, or different effects (MPEP § 806.04, MPEP § 808.01). In the instant case the different inventions are not disclosed as capable of use together.

Invention XI is unrelated to Inventions IX, X, XII-XV. Inventions are unrelated if it can be shown that they are not disclosed as capable of use together and they have different modes of operation, different functions, or different effects (MPEP § 806.04, MPEP § 808.01). In the instant case the different inventions are not disclosed as capable of use together.

Inventions IV, V, VII, IX, X, XII-XV are independent and distinct, each from the other, because the methods are practiced with materially different process steps for materially different purposes and each method requires a non-coextensive search because of different starting materials, process steps and goals.

Because these inventions are distinct for the reasons given above and have acquired a separate status in the art as shown by their different classification and recognized divergent subject matter as defined by MPEP § 808.02, the Examiner has *prima facie* shown a serious burden of search (see MPEP § 803). Therefore, an initial requirement of restriction for examination purposes as indicated is proper.

Furthermore, for whichever Invention Applicants elect, they are further required to elect either one SEQ ID NO selected from the group of SEQ ID NO:11, 12, 13, 45, or one polypeptide SEQ ID NO selected from the group of either SEQ ID NO:24, 25, 26, 27, 46. These polynucleotides, and polypeptides which they encode, are independent and distinct, each from each other, because they are products which possess characteristic differences in structure and function and each has an independent utility that is distinct for each invention which cannot be exchanged.

C. Applicant is advised that the reply to this requirement to be complete must include an election of the invention to be examined even though the requirement be traversed (37 CFR 1.143).

Applicant is reminded that upon cancellation of claims to a non-elected invention, the inventorship must be amended in compliance with 37 CFR § 1.48(b) if one or more of the currently named inventors is no longer an inventor of at least one claim remaining in the application. Any amendment of inventorship must be accompanied by a diligently-filed petition under 37 CFR § 1.48(b) and by the fee required under 37 CFR § 1.17 (h).

Advisory information

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Robert Landsman whose telephone number is (703) 306-3407. The examiner can normally be reached on Monday - Friday from 8:00 AM to 5:00 PM (Eastern time) and alternate Fridays from 8:00 AM to 5:00 PM (Eastern time).

If attempts to reach the examiner by telephone are unsuccessful, the Examiner's supervisor, Gary Kunz, can be reached on (703) 308-4623.

Official papers filed by fax should be directed to (703) 308-4242. Fax draft or informal communications with the examiner should be directed to (703) 308-0294.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Group receptionist whose telephone number is (703) 308-0196.

Robert Landsman, Ph.D.
Patent Examiner
Group 1600
May 29, 2002